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10/690,657	10/23/2003	Steven R. Ligon	SAIC0080-US	5863

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EXAMINER

PARK, GEORGE M

ART UNIT	PAPER NUMBER
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4114

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/690,657	Applicant(s) LIGON ET AL.	
	Examiner GEORGE PARK	Art Unit 4114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/27/2004 and 11/8/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (paragraph [0019], line 11, paragraph [0021], lines 12 and 15). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skoyles-Greenberg (World Pub. No. WO 01/25970 A1).

Regarding to claim 1, Skoyles-Greenberg discloses the invention substantially as claimed. Skoyles-Greenberg discloses a method for approximating the maturity of a company in view of at least one maturity model (page 2, lines 14-18) comprising: establishing work products (page 2, line 25); relating individual requirements of the at least one maturity model (i.e. operations maturity model) to the work products (page 11, lines 28-31); tracing the work products to the individual requirements of the at least one maturity model (page 11, lines 17-18, page 12, lines 8-9); and providing an indicator of the approximate maturity of the company in view of the at least one maturity model (page 6, lines 7-9, page 14, lines 18-20). However, Skoyles-Greenberg does not explicitly disclose generalized and company-specific work products. Andersen Consulting L.L.P. discloses a work product list (page 12, lines 5-6) to comprise a category and function assessment list of the products (i.e. page 10, lines 13-14). It is common knowledge in the prior art for the work product list to include generalized and company specific work products. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the method for approximating the maturity of a company as taught by Skoyles-Greenberg to include establishing generalized work products; relating

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individual requirements of the at least one maturity model to the generalized work products; providing company-specific work products; associating at least some of the company-specific work products with at least some of the generalized work products, tracing the company-specific work products to the individual requirements of the at least one maturity model through the association of the at least some company-specific work products with at least some the generalized work products; and providing an indicator of the approximate maturity of the company in view of the at least one maturity model as taught by Skoyles-Greenberg. The motivation for doing so would have been to approximate the maturity of a company in view of at least one maturity model based on generalized and company-specific work products.

Regarding to claims 6 and 7, Skoyles-Greenberg discloses the invention substantially as claimed. However, Skoyles-Greenberg does not explicitly disclose wherein the indicator of approximate maturity is provided in a report and the report includes a list of the individual requirements of the at least one maturity model that were not traceable to at least one of the company-specific work products (as per claim 6) and wherein report further includes a list of company-specific work products that were not associated with the generalized work products (as per claim 7). Skoyles-Greenberg discloses identifying and resolving gaps (i.e. gap analysis) (page 15, lines 12-15) and producing an assessment report (page 16, lines 16-17 and 23-24). It is common knowledge in the prior for the assessment report to provide the indicator of approximate maturity (page 6, lines 7-9, page 14, lines 18-20) and for the gap analysis to list individual requirements of the at least one maturity model that were not traceable to at least one of the company-specific work products (as per claim 6) and wherein report further includes a list of company-specific work products that were not associated with the generalized work products (as

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per claim 7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the method of Skoyles-Greenberg wherein the indicator of approximate maturity is provided in a report and the report includes a list of the individual requirements of the at least one maturity model that were not traceable to at least one of the company-specific work products (as per claim 6) and wherein report further includes a list of company-specific work products that were not associated with the generalized work products (as per claim 7) as taught by Skoyles-Greenberg. The motivation for doing so would have been to provide a report for approximating the maturity of a company in view of at least one maturity model for individual requirements that were not traceable to at least one of the company-specific work products.

5. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skoyles-Greenberg (World Pub. No. WO 01/25970 A1) in view of Aycock et al. (U.S. Pat. No. 5,765,138).

Regarding to claim 2, Skoyles-Greenberg discloses the invention substantially as claimed. However, Skoyles-Greenberg does not disclose wherein the maturity of the company is approximated in view of at least two maturity models, wherein the individual requirements of the at least two maturity models are related to the generalized work products. Aycock et al. discloses selecting quality maturity requirements from at least two models (i.e. standards) in accordance with project requirements (column 5, lines 44-47 and 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Skoyles-Greenberg wherein the maturity of the company is approximated

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in view of at least two maturity models, wherein the individual requirements of the at least two maturity models are related to the generalized work products as taught by Aycock et al. as both Skoyles-Greenberg and Aycock et al. are directed to the method for approximating the maturity of a company in view of at least one maturity model. The motivation for doing so would have been to approximate the maturity of a company based on different requirements.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skoyles-Greenberg (World Pub. No. WO 01/25970 A1) in view of Baudoin et al. (U.S. Pub. No. 2004/0010709 A1).

Regarding to claim 3, Skoyles-Greenberg discloses the invention substantially as claimed. However, Skoyles-Greenberg does not disclose wherein the at least one maturity model includes multiple levels of maturity. Baudoin et al. discloses multiple levels of maturity (paragraph [0022], lines 3-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Andersen Consulting L.L.P. wherein the at least one maturity model includes multiple levels of maturity taught by Baudoin et al., as both Skoyles-Greenberg and Baudoin et al. are directed to the method for approximating the maturity of a company in view of at least one maturity model. The motivation for doing so would have been to define the maturity of a company in view of at least one maturity model from least mature to most mature.

Regarding to claim 4, Skoyles-Greenberg discloses the invention substantially as claimed. However, Skoyles-Greenberg does not disclose wherein the indicator of the approximate maturity is indicative of the highest of the multiple levels of maturity attained by

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the company. Baudoin et al. discloses recording the highest maturity level for requirements (paragraph [0026], lines 7-9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Skoyles-Greenberg wherein the indicator of the approximate maturity is indicative of the highest of the multiple levels of maturity attained by the company as taught by Baudoin et al. as both Skoyles-Greenberg and Baudoin et al. are directed to the method for approximating the maturity of a company in view of at least one maturity model. The motivation for doing so would have been to indicate the most mature level attained by the company.

7. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skoyles-Greenberg (World Pub. No. WO 01/25970 A1) in view of Baudoin et al. (U.S. Pub. No. 2004/0010709 A1) and further in view of Balz et al. (U.S. Pat. No. 7,136,792 B2).

Regarding to claim 5, Skoyles-Greenberg and Baudoin et al. discloses the invention substantially as claimed. However, Skoyles-Greenberg and Baudoin et al. do not disclose wherein the indicator of approximate maturity is a percentage. Balz et al. discloses assessing approximate maturity based on a percentage score (see FIG. 1, column 4, lines 6-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Skoyles-Greenberg and Baudoin et al. wherein the indicator of approximate maturity is a percentage as taught by Balz et al., as Skoyles-Greenberg, Baudoin et al. and Balz et al. are directed to the method for approximating the maturity of a company in view of at least one maturity model. The motivation for doing so would have been to indicate the approximate the level of maturity based on percentage.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skoyles-Greenberg (World Pub. No. WO 01/25970 A1) in view of Balz et al. (U.S. Pat. No. 7,136,792 B2).

Regarding to claim 8, Skoyles-Greenberg discloses the invention substantially as claimed. However, Skoyles-Greenberg does not disclose wherein the indicator of approximate maturity is a percentage. Balz et al. discloses assessing approximate maturity based on a percentage score (see FIG. 1, column 4, lines 6-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Skoyles-Greenberg wherein the indicator of approximate maturity is a percentage as taught by Balz et al., as Skoyles-Greenberg and Balz et al. are directed to the method for approximating the maturity of a company in view of at least one maturity model. The motivation for doing so would have been to indicate the approximate the level of maturity based on percentage.

9. Claims 9-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aycock et al. (U.S. Pat. No. 5,765,138) and in view of Skoyles-Greenberg (World Pub. No. WO 01/25970 A1).

Regarding to claim 9, Aycock et al. discloses the invention substantially as claimed. Aycock et al. discloses a method for using a maturity tracing system in order to determine the approximate maturity level of an organization in view of at least one maturity model comprising: entering data indicative of work products into the maturity tracing system through a user interface (column 10, lines 39-42); associating (i.e. competitive analysis) at least some of the work products with at least some of the pre-existing work products provided on the maturity

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tracing system through the user interface (column 10, lines 5-11 and 62-67); requesting (i.e. download) the tracing of the work products to maturity requirements for the at least one maturity model through the user interface, wherein the maturity tracing system includes at least one application for relating the pre-existing work products to the maturity requirements for the at least one maturity model (column 10, lines 55-57 and 62-67); and requesting a report indicating the approximate maturity level of the organization in view of at least one maturity model through the user interface (column 11, lines 57-62). However, Aycock et al. does not explicitly disclose organization-specific and generalized work products. Skoyles-Greenberg discloses a work product list (page 12, lines 5-6) to comprise a category and function assessment list of the products (i.e. page 10, lines 13-14). It is common knowledge in the prior art for the work product list to include organization-specific and generalized work products. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for to combine the method of Aycock et al. with the feature of entering data indicative of organization-specific work products into the maturity tracing system through a user interface; associating at least some of the organization-specific work products with at least some of the pre-existing generalized work products provided on the maturity tracing system through the user interface; requesting the tracing of the organization-specific work products to maturity requirements for the at least one maturity model through the user interface, wherein the maturity tracing system includes at least one application for relating the pre-existing generalized work products to the maturity requirements for the at least one maturity model; and requesting a report indicating the approximate maturity level of the organization in view of at least one maturity model through the user interface as taught by Skoyles-Greenberg as both Aycock et al. and

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Skoyles-Greenberg are directed to the method for using a maturity tracing system in order to determine the approximate maturity level of an organization in view of at least one maturity model. The motivation for doing so would have been to approximate the maturity level of an organization in view of at least one maturity model based organization-specific and generalized work products.

Regarding to claim 10, Aycock et al. discloses including querying text (i.e. selectively access) indicative of at least one of the pre-existing generalized work products and the maturity requirements for the at least one maturity model in order to ascertain description information therefore (column 10, lines 62-67).

Regarding to claim 11, Aycock et al. discloses wherein the description information is provided in a pop up window (i.e. secondary display window) on the user interface (column 14, lines 47-55, see FIG. 6).

Regarding to claim 12, Aycock et al. discloses wherein the description information is provided through a hyperlink (i.e. icon) to an information screen on the user interface (column 13, lines 61-64, column 14, lines 47-53).

Regarding to claim 14, Aycock et al. discloses wherein the maturity of the organization is approximated in view of at least two maturity models (i.e. standards) (column 5, lines 44-47 and 60-65).

Regarding to claim 15, Aycock et al. discloses the invention substantially as claimed. Aycock et al. discloses a system for approximating the maturity of a company in view of at least one maturity model (column 2, lines 38-41) comprising: means for storing data representative of work products (i.e. specifications), data representative of individual requirements for the at least

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one maturity model (column 2, lines 49-52, column 3, lines 44-46); at least one database (i.e. product database) for relating work products to the data representative of individual requirements for the at least one maturity model (column 9, lines 59-62 and 64-67); and an application (i.e. interface) for a user to access the databases and an indicator of the approximate maturity of the company in view of the at least one maturity model (column 11, lines 17-20) However, Aycock et al. does not explicitly disclose generalized and company-specific work products and an application for prompting the association of the data representative of the company-specific work products to the data representative of generalized work products; an application for tracing the data representative of the company-specific work products to the data representative of individual requirements for the at least one maturity model; and an application for providing an indicator of the approximate maturity of the company in view of the at least one maturity model. Skoyles-Greenberg discloses a work product list (page 12, lines 5-6) to comprise a category and function assessment list of the products (i.e. page 10, lines 13-14). It is common knowledge in the prior art for the work product list to include generalized and company specific work products. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system of Aycock et al. with the feature of storing data representative of generalized work products, data representative of individual requirements for the at least one maturity model and data representative of the company-specific work products; at least one relationship database for relating the data representative of generalized work products to the data representative of individual requirements for the at least one maturity model; an application for prompting the association of the data representative of the company-specific work products to the data representative of generalized work products; an application for tracing the

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data representative of the company-specific work products to the data representative of individual requirements for the at least one maturity model; and an application for providing an indicator of the approximate maturity of the company in view of the at least one maturity model as taught by Skoyles-Greenberg, as both Aycock et al. and Skoyles-Greenberg are directed to the system for approximating the maturity of a company in view of at least one maturity model. The motivation for doing so would have been to approximate the maturity of a company in view of at least one maturity model based on both generalized work products and company-specific work products.

Regarding to claim 16, Aycock et al. discloses wherein the system approximates the maturity of the company in view of at least two maturity models (i.e. standards) (column 5, lines 44-47 and 60-65).

1. Claims 13, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aycock et al. (U.S. Pat. No. 5,765,138) in view of Skoyles-Greenberg (World Pub. No. WO 01/25970 A1) and further in view of Baudoin et al. (U.S. Pub. No. 2004/0010709 A1).

Regarding to claim 13, Aycock et al. and Skoyles-Greenberg disclose the invention substantially as claimed. However, Aycock et al. and Skoyles-Greenberg do not explicitly disclose wherein the user interface is a computer comprising a processor, data input means and data viewing means. Baudoin et al. discloses wherein the user interface is a computer comprising a processor (paragraph [0016], lines 3-4), data input means (paragraph [0016], lines 6-7) and data viewing means (i.e. monitor) (paragraph [0016], lines 8-9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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combine the method of Aycock et al. and Skoyles-Greenberg wherein the user interface is a computer comprising a processor, data input means and data viewing means as taught by Baudoin et al., as Aycock et al., Skoyles-Greenberg and Baudoin et al. are directed to the method for using a maturity tracing system in order to determine the approximate maturity level of an organization in view of at least one maturity model. The motivation for doing so would have been to determine the maturity level of an organization in view of at least one maturity model on any type of computer.

Regarding to claim 17, Aycock et al. and Skoyles-Greenberg disclose the invention substantially as claimed. However, Aycock et al. and Skoyles-Greenberg do not explicitly disclose a user interface for collecting the data, wherein the user interface comprises a processor, data input means and data viewing means. Baudoin et al. discloses a user interface for collecting the data, wherein the user interface comprises a processor (paragraph [0016], lines 3-4), data input means (paragraph [0016], lines 6-7) and data viewing means (i.e. monitor) (paragraph [0016], lines 8-9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system of Aycock et al. and Skoyles-Greenberg with the feature of a user interface for collecting the data, wherein the user interface comprises a processor, data input means and data viewing means as taught by Baudoin et al., as Aycock et al., Skoyles-Greenberg and Baudoin et al. are directed to the system for approximating the maturity of a company in view of at least one maturity model. The motivation for doing so would have been to approximate the maturity of a company in view of at least one maturity model on any type of computer.

Regarding to claim 18, Aycock et al. and Skoyles-Greenberg discloses the invention substantially as claimed. Aycock et al. discloses a network connection (i.e. communications network) (column 10, lines 22-23). However, Aycock et al. and Skoyles-Greenberg do not explicitly disclose wherein the data input means includes at least one of a keyboard and a port. Baudoin et al. discloses wherein the data input means includes at least one of a keyboard (paragraph [0016], lines 6-8). It is also common knowledge in the prior art for a computer to include a port. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system of Aycock et al. and Skoyles-Greenberg wherein the data input means includes at least one of a keyboard and a port as taught by Baudoin et al., as Aycock et al., Skoyles-Greenberg and Baudoin et al. are directed to the system for approximating the maturity of a company in view of at least one maturity model. The motivation for doing so would have been to approximate the maturity of a company in view of at least one maturity model remotely using a communication network.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miller et al. (U.S. Pub. No. 2003/0110067 A1) discloses a method and system for assisting an organization's progression through the levels of the Capability Maturity Model (CMM).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE PARK whose telephone number is (571)270-3547.

The examiner can normally be reached on Monday - Friday (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Cheng can be reached on (571) 272-4433. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GP
1/10/08

/Joe H Cheng/
Supervisory Patent Examiner
Art Unit 4114